



# Office Overview and NEPA Assignment:

## Briefing for FTP Implementation Committee

Speaker:

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The environmental review, consultation, and other actions required by applicable federal environmental laws described in this training are carried out by FDOT pursuant to 23 U.S.C. §327 and a Memorandum of Understanding dated December 14, 2016, executed by FHWA and FDOT.



# Office of Environmental Management Roles



# Environmental Management throughout the Process



# NEPA Assignment Overview

## Surface Transportation Project Delivery Program

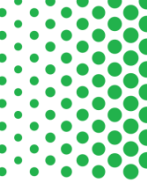
- 23 U.S.C. 327; commonly known as “NEPA Assignment”
  - Authorizes the Secretary of the United States Department of Transportation to assign to the states his or her responsibilities for:
    - National Environmental Policy Act (NEPA)
    - Environmental review, consultation or other actions required by Federal
      - environmental laws
  - States can request responsibility for:
    - Highway Projects
    - Multimodal projects
    - Public Transportation
    - Railroad Projects

# •Responsibilities Assumed by FDOT



- Environmental review, consultation and actions for review and approval of highway projects
- Determine Class of Action (CE, EA, EIS)
- Approve Purpose and Need
- Approve NEPA Decision Document
- Grant Location and Design Concept Acceptance
- Conduct Re-evaluations
- Direct consultation with federal resource agencies
- Defend NEPA document in federal court

# •Responsibilities Retained by FHWA



- Specific projects listed in the MOU
- Projects that cross state lines
- Government to Government Tribal consultation
- Project-level air quality conformity determinations
- USDOT responsibilities for statewide and metropolitan planning
- Section 4(f) Constructive Use



# FDOT Responsible for more than just NEPA

(list is not comprehensive)

## Wildlife

Endangered Species Act of 1973; Marine Mammal Protection Act; Anadromous Fish Conservation Act; Fish and Wildlife Coordination Act; Migratory Bird Treaty Act; Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended, with Essential Fish Habitat requirements at 16 U.S.C. § 1855(b)(2)

## Historic and Cultural Resources

National Historic Preservation Act of 1966, as amended; 23 U.S.C. § 138 and Section 4(f) of the Department of Transportation Act of 1966; Preservation of Historical and Archaeological Data; Archeological Resources Protection Act of 1979; Native American Grave Protection and Repatriation Act (NAGPRA)

## Air Quality

Clean Air Act, with the exception of project level conformity determinations

## Hazardous Material Management

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Superfund Amendments and Reauthorization Act (SARA); Resource Conservation and Recovery Act (RCRA)

## Parklands and Other Special Land Uses

Section 4(f) of the Department of Transportation Act of 1966; Land and Water Conservation Fund (LWCF) Act

## Social and Economic Impacts

American Indian Religious Freedom Act; Farmland Protection Policy Act (FPPA)

## Water Resources and Wetlands

Clean Water Act; Coastal Barrier Resources Act; Coastal Zone Management Act; Safe Drinking Water Act (SDWA); Rivers and Harbors Act of 1899; Wild and Scenic Rivers Act; Emergency Wetlands Resources Act; Wetlands Mitigation; Flood Disaster Protection Act; FHWA wetland and natural habitat mitigation regulations, 23 C.F.R. Part 777

## Noise

Noise Control Act of 1972; FHWA noise regulations at 23 C.F.R. Part 772; Airport Noise and Capacity Act of 1990

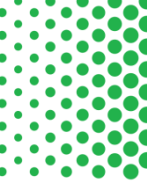
# NEPA Assignment Savings

- Removes one layer of governmental review – FHWA
- California, Texas and Ohio report a 25% to 30% overall time reduction
- FDOT anticipates similar time savings
- FDOT anticipates 25% cost savings in the PD&E phase





# NEPA Assignment Saves Cost



## A shorter PD&E Phase saves project costs and staff time

- Time = money
- Less potential for changes in environmental conditions or laws
- Fewer document revisions
- A shorter PD&E phase reduces the probability of environmental or regulatory changes which can alter your design
- Fewer design changes reduce the number of reevaluations



# Questions

